Revenue (1950) Department.

Mg. SERIES

G.O. NO. 262

Dated 29.9.50

[Despatch Abstract.]

Village offices - (South Kanara) further
Taluk - Kolnad village - Shanbogue
Appointment - orders

Back Papers.

G.O.	No.	Department.	Date.	C.O.	No.	Department.	Date.

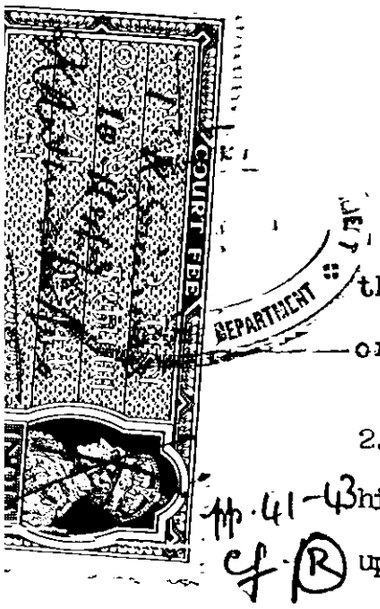
Further Papers.

G.O.	No.	Department.	Date.	C.O.	No.	Department.	Date.
Memo	7975-2M/Rev 50-1		28.12.50				

ADDITIONAL ASST. SECRETARY
REVENUE DEPARTMENT

Before the Government of Madras, Revenue Department.

R 67019.
12/49



Mp. 41-43
cf. (R)

Humble Memorial of T.K.Srinivasa,
nephew of Chandappa, Manchi village,
P.O. ~~Ira~~, Manchi
Mangalore & Taluk, South Kanara Dt.

The Memorialist most respectfully submits the following for the kind consideration and favourable orders of the benign Government.

2. That the learned Collector of South Kanara in his orders R.Dis.20650-48 dated 24-12-48 was pleased to uphold the right claims of memorialist and registered him as the minor to the office of the Shanbhogue of Kolu village, Puttur Taluk, South Kanara. But the learned Collector has also ordered that the Memorialist should enter on the duties before March 1949 after fully qualifying himself.

3. No doubt the learned Collector's orders are in conformity with the rule that a registered minor to the office of a village officer must enter on his duties before he completes his twenty first year after fully qualifying himself. But the learned Collector unfortunately for the memorialist, failed to realize that this rule should not have been rigidly applied in this case of a minor, who has been registered as such at the fag end of his twentyfirst year. The Memorialis would be completing his twenty first year in March 1949 and he has been registered as a minor by the learned Collector on 24-12-1948. So it may kindly be seen that the Memorialist was given hardly three months time to qualify himself and enter on the duties. The fact that the Memorialist had yet to pass in village officer's Manual was before the Collector when he passed the abo said orders. Such being the case it was only just that

the Memorialist should have been at least one chance to qualify himself if the orders passed by the learned Collector registering the Memorialist as a minor should have any meaning. But the learned Collector failed to realize that this was a special case in as much as a major, who was at the end of his twentyfirst year, was being registered as a minor. Besides the customary annual tests of the Village Officers did not come off between 24-12-48, the date of the learned Collector's orders, and the dead line fixed for the Memorialist to enter on the duties, that is March 1949. So a representation was made to the learned Collector requesting him that a chance may be granted to the Memorialist to appear for an oral test before a competent authority or grant the extension of one year's time to the memorialist for qualifying himself and enter on his duties. The peculiar circumstances of the case would have amply justified the action of the learned Collector if he were pleased to grant the just and reasonable request of the Memorialist. But the learned Collector in his Ref. 4355-49-A dated 16-4-49 turned down the request of the memorialist for qualifying himself. The memorialist, therefore, went up with a revision before the learned Board of Revenue with a hope that the memorialist's most reasonable request would be favourably considered. But unfortunately the learned Board of Revenue in its L.Dis.A. 3526/49 dated 12-10-49 passed orders refusing to interfere with the orders of the learned Collector on behalf of the Memorialist. Therefore the memorialist humbly approaches the benign government with the humble representation that there has been grave miscarriage of justice in the lower Courts and that therefore this is a fit case for the benigh Government to interfere on behalf of the Memorialist.

p. 21 of (D)

p. 17 of (E)

The learned Collector has passed contradictory orders. The memorialist is registered as a minor; it is simply incumbent on the learned Collector, in the interest of justice and fairplay that the memorialist is given at least one chance to qualify himself, or else the purport of the learned Collector's orders is reduced to a farce for the reason that the learned Collector stipulates a condition in his orders towards the fulfilling of which not even a single chance is allowed to the Memorialist. The rule that a registered minor should enter on his duties after fully qualifying himself before he completes twenty-first year, evidently, applies to a person who has been registered at an earlier age of the minor. But that rule should not have been regidly applied in a mechanical way in the special circumstances of the memorialist's case. But the learned Collector and the Board of Revenue failed to appreciate the contention of the memorialist. It is unbelievable that the said rule is so imperative in nature that it allows no room for the learned Collector and the Board of Revenue to use their discretion, when it is an admitted fact that all rules are based on reason and justice. The memorialist therefore humbly approaches the benign Government, who frame all rules and regulations in the best interest of justice, that they may kindly be pleased to redress the injustice meted out to the Memorialist by the mechanical application of the rules without heeding to the special circumstances of the memorialist's case, and that the benign Government may graciously be pleased to intervene on behalf of the memorialist and grant the extension of one year's time to the Memorialist to qualify himself and enter on his duties.

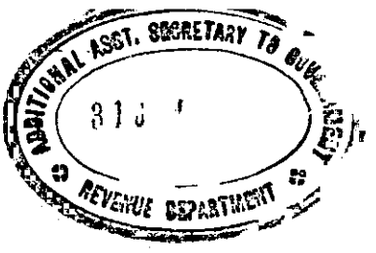
The Memorialist has already appeared the

village officer's test held on October 1949 and has every hope of getting through this time. The memorialist therefore prays that he may kindly be granted time till the result of the said tests are published, for which act of kindness and justice, the memorialist would remain grateful.

Manchi,
D/- 10 -11-49

T. K. Shrinivasa
Memorialist.

Enclosure: 1) Copy of Revenue Board's proceedings L. Dis. A. 3526-49 dated 12-10-49.



To

The Secretary,

Revenue Department,

Government of Madras, Madras.

L 5322 M
31/1

Humble Memorial of T. K. Srinivasa, nephew of Chandappa, Manchi Village, P. O., Manchi, - Mangalore Taluk, S. Kanara Dt, dated 27-1-1950.

The Memorialist most respectfully submits the following further details in continuation of the Memorial, dated 10--11--1949, submitted to the Government by the Memorialist.

1-4 and

2. That the Memorialist had passed in the Village Account Test, in the Village Officers' Test held in October, 1946. The said result was published in the Dt. Gazette of S. Kanara, for January, 1947, and the Memorialist's Serial No. was 21. That the Memorialist had attended the Karnams' Survey School held at Surathkal, Mangalore Taluk, from the 24th March, 1947, to 4th May, 1947, and has been declared to have passed the Survey Test. The Circle Officer, Survey & Land Records, Cali has also granted to the Memorialist necessary Certificate in the matter.

3. That the Memorialist has appeared for the Village Officers' Test held in October, 1949, and has completed the remaining part, that is, the Village Officers' Manual. The Memorialist's Serial No. this time is 1.

4. It may, therefore, kindly be seen that the Memorialist is now fully qualified to hold the Karnam's post.

5. The Memorialist, therefore, most humbly prays that, in the circumstances stated in the first Memorial, dated - 10--11--1949, the benign Government may graciously be pleased

to

to pass orders allowing the Memorialist to join duty as the Karnam of Kalnad in Puttur Taluk, South Kanara.

For which act of kindness and justice, the Memorialist will ever remain grateful.

T. K. Srinivasa.
Memorialist.

Copy submitted to the Collector of South Kanara,
Mangalore.

Village Affairs - (South Kanara) Puttur Taluk
Kalkad village - Shanbogue - Appointment -
Revenue Dept.

Enst. no 67019 M/Rp-2 dt 18-2-50

Referred to the Board of Revenue,
plaintiff in continuation of enst. no 67019 M/Rp-1 Rev
dt 1-12-49.

18/2/50

15-2-50

2. The Board of Rev
(with acctg papers
on 14-6-47 etc)

21-2-50

32432/M
22/51/SV

Revenue Department.
Subject.

VILLAGE OFFICERS - Shanbhogue - (South Kanara) Puttur Taluk - Kolnad village - Appointment - Memorial from Sri T.K. Srinivasa to the Government - Report submitted.

***

L.Dis.A.7044/49.

Station: Madras. *** Dated 18.5.50.

From

Sri A.F. Mascarenhas,
Secretary, Board of Revenue, Madras,

To

Sri W.R.S. Sattianathan I.C.S., Commissioner of Land Revenue.

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Read:- From the Government Endorsement No.67019.M.49.1 Rev. dated 1.12.49.
From the Collector of South Kanara, Ref.A.1.31964.49 dated 23.1.50.
Government Endorsement No.67019.M.49.2 Rev. dated 18.2.50.
From the Collector of South Kanara, Ref.A.1.31964.49 dated 8.4.50.

L.Dis.

The Board submits the following report on the petitions to the Government forwarded with their endorsement cited above.

2. Sri T.K. Chandappa, the permanent shanbhogue of Kalnad village, Puttur Taluk, was dismissed from service by the Revenue Divisional Officer, Puttur in his Ref.No.5548-47 dated 26.4.45. One Somappa Gowd was appointed as acting shanbogue. The last office holder was a follower of the Aliyasanthanam law of succession. The Tahsildar submitted to the Revenue Divisional Officer, a geneological tree relating to the family of the last office holder and stated that Shankarnarayana, No.10 in the geneological tree (aged 21) and Umaesh No.13 (aged 10) who were direct nephews of the last office holder were entitled to the office. As the former was an unqualified major, the Tahsildar recommended that Umesh might be registered as minor Shanbogue. The minor's guardian proposed that Sri T.K. Srinivasa, (the Government's petitioner) then aged 17, might be appointed as deputy. As the latter was not fully qualified to hold the office of shanbogue, the Revenue Divisional Officer directed the registry of Umaesh as minor shanbogue and the appointment of Somappa Gowd as Deputy. Thereupon, Sri T.K. Srinivasa appealed to the Collector for setting aside the Revenue Divisional's orders and for appointing him as permanent shanbogue. The Collector considered that according to the Aliyasanthanam law of succession, the seniormost member among the descendants of the common ancestor would succed to the office and that his appellant had therefore the best claim. As Sri T.K. Srinivasa was born in March 1928 and was therefore a minor when the vacancy arose the Collector registered him as minor shanbogue, directing that he would get time till March 1949 to qualify himself and that if he did not qualify by then, steps should be taken to forfeit the office.

3. Sri T.K. Srinivasa, the Government's petitioner who had already passed one part of the village officers special tests for karnams viz. "Village accounts" and underwent survey training, did not pass the other test viz. "powers and duties of village officers" before March 1949 i.e. before completing 21 years of age. He applied to the Collector for revaluation of his answer papers for the examination held in October 1948 or for oral test or for grant of time till the next written test. The Collector declined to grant these requests. A petition to the Board with similar requests was also rejected in Board's L.Dis.A.3526.49 dated 12.10.49. The petitioner has now approached the Government.

/

4. In his petition to the Government forwarded with the Government endorsement first cited above, the petitioner requests that he may be granted one year's time to qualify himself. In his second petition, he states that he passed (1) village accounts in October 1946 (2) survey in 1947 and (3) Powers and duties in October 1949 (results published in December 1949.) He requests that as he is thus fully qualfied he may be permitted to join duty. The Collector reports that the statement of the petitioner as regards his passing the tests is correct but that as he did not pass them before completing 21 years of age, he is not entitled to succeed to the office.

5. The Madras Hereditory village officers Act III of 1895 is not in force in South Kanara. But the principles laid down in that Act are being followed in regard to appointments to village offices. According to Sec.10(5) of Act III of 1895, the registered minor should pass the tests within three years of his attaining majority and in the event of failure to do so, should forfeit the office. The Board therefore considers that the petitioner's requests cannot be granted.

For Secretary.

To the Secretary to Government, Revenue Department, Madras,
with records as per list.

List of records.

1. Collector's D.Dis.20650.48 dated 24.12.48.
2. do. D.Dis.4355/49 dated 23.4.49.
3. do. D.Dis.16938.49 dated 19.10.49 and
4 Puttur R.D.Os. R.Dis.5548.44 and R.Dis.4834/48.

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ADN.18.5.

32431/14 A3
22/5/50

A 2358

8 MAY 1950
MADRAS

10

The Secretary,

Revenue Department,

Government of Madras, MADRAS.

Humble Memorial of:

T.K. SRINIVASA nephew of
Chardappa, Manchi village,
P.O. Manchi, Mangalore Taluk,
South Kanara District.

In continuation of the memorials dated 10-11-49 and 27-1-50 submitted to the Government, the memorialist submits the following for favourable consideration of the Government and for early orders.

It may kindly be seen that the post of 'karnam' of Kolnad Tarf, Puttur Taluk continues to be vacant and in spite of the fact that the memorialist is fully qualified to hold the post he is not permitted to join duty.

The memorialist further submits that the Revenue Authorities are again thinking of appointing some other to the said post and with that end in view the Tahsildar of Puttur has issued a notice on the memorialist on 1-5-50 to the effect that the memorialist should produce the Government order permitting him to join duty within seven days from the date of service

failing which the memorialist would be considered to have forfeited the post.

In this connection the memorialist submits that there is no other member in his family who is qualified to hold the post. If the authorities do not permit him to join duty evidently they have to appoint a minor to the post. The memorialist is only 22 years old and he is fully qualified to hold the post of 'Karnam' and the post of 'Karnam' of Kolnad Tarf to which which he is already appointed continues to be vacant, inasmuch as no other person has so far been appointed to that post. Besides orders also have not so far been passed to the effect that the memorialist has forfeited the post. In the circumstances it is quite reasonable that the memorialist is permitted to join duty.

The memorialist therefore humbly prays the benign Government may please pass early orders permitting the memorialist to join duty as the 'Karnam' of Kolnad Tarf, so that the District Authorities may not put the memorialist in an embarassing position by appointing another to

the said post, for which act of kindness and the memorialist will ever remain grateful.

Camp: Manchi)
) T. R. Shrinivas
Date: 6-5-1950) Memorialist.

Mr Merrill ✓

Submitted to the Court.

A. Smith

1915

Asst. Secretary,
& Board of Revenue
from the
Secretary & Court!

Revenue Deptt.

Rev Dept

Pl view
& 24/6/50

Memo no 6709/M/49-3 dt 23-6-50

Village Officers – (South Kanara) – Puttur Taluk – Kolnad village – Shanbhogue – Appointment – Petition from Sri T.K. Srinivasa Rao dt 10-11-49.

Ref:- From the Bd of Rev L.Dis A. 7044/49 d 18-5-50

—

On his R.Dis no 20650/48 d 24-12-48, the collector of South Kanara registered the petitioner to the office of Shanbhogue of Kolnad village, Puttur taluk, subject to the condition that he should qualify himself fully by March 1949, when he would be completing 21 years of age. The petitioner had already passed the test in "village accounts" and undergone Survey training and had to pass only the test in 'Powers and Duties of village Officers" to qualify

himself fully for the post. As the Village Officers Special Tests are held in the South Kanara district only in October every year, the petitioner had no chance of passing the test in 'Powers and Duties of Village Officers' between the date of the collector's order registering him to the office of pp 41-43 of 1949 (R). Kanthoge, viz 24-12-48, and the date on which he completed 21 years of age in March 1949. ~~He passed~~ In view of this & the fact that ~~the test in Oct' 49. It has been stated that, as no test was held between 24-12-48 and the date on which he completed 21 years of age and as he passed the test~~ at the first occasion on which actually it was held after his joining to the office, it is ~~hard to disbelieve him to have~~ Can it be held on ~~officiated this office~~. It has therefore been suggested that ~~he~~ he should ~~be allowed to join~~ not be declared to have forfeited the office of Kanthoge of Kolarad Village. The Bd is requested to offer its remarks on the suggestion.

IN

but allowed to join it.

20 28/6/50

24/6/50

28/6/50

To

The Secretary,
Revenue Department,
Govt. of Madras,
Madras.

-6751M

Humble Memorial from T.K.Srinivasa,
Nephew of Chandappa,
Manchi village,
P.O. Manchi, Mangalore Taluk,
South Kanara.

The Memorialist most humbly submits the following for the kind consideration and early orders of the benign Government.

That the Memorialist had submitted a memorial to the Government on 12-11-1949 praying for extension of one year's time to qualify himself and to join duty as the Shanbhogue of Kolnad Tarf, Puttur Taluk, South Kanara, and thereafter on 6-5-50 a second memorial was submitted to the effect that the Memorialist had become fully qualified himself and that therefore he may be permitted to join duty as the Shanbhogue of the above said Tarf.

That the Memorialist further submits that so far he has received no orders in the matter. That the local authorities are proceeding with the matter of appointing another man to the abovesaid post ignoring the claims of the Memorialist which act will cause very great hardship to the Memorialist.

That the Memorialist therefore humbly prays that the orders of the benign Government in the matter may be expedited and that the Collector of South Kanara may be directed to stay further proceedings in the matter until the Government finally dispose of the matter.

Manchi,
D/- 26-6-1950

T.K. Srinivasa
Memorialist.

Endt no 67019 M/49-4 13.7.50

Communicated to the Collector, in continuation of Govt memo no 67019 M/49-3 Rev of 24-6-50, for such action as it may consider necessary

RD

REVENUE DEPARTMENT.

Subject:

VILLAGE OFFICERS - Shanbogue -(South Kanara) Puttur Taluk - Kolnad Tar appointment -Sri T.K. Srinivasa - petition to the Government - report submitted.

..Dis.A.3129/50 Station: M a d r a s. Dated 29th August 1950.

From

Sri A.F. Mascarenhas, I.A.S., Secretary, Board of Revenue.

Sri M.R.S. Sattianathan, I.C.S., Commissioner of Land Revenue.

...

Read: From the Government Rev.Dept.Memo No.67014/49-3 dated 24-6-50.
do. Endt. do. 49/4 dated 13-7-50.

...

L.DIS:

The Board considers that the petitioner's case is a hard one. Between the date of the registration of the petitioner as a minor (24-12-48) and the date of forfeiture of the office (March 1949) no test was held in th District such tests being usually held in October for each year. The next test was held in October 1949, the petitioner sat for it and passed. The Board considers that as the area is a non-statutory one, there is no legal bar to relax the provisions of Section 19(5) of Act III of 1895, in the peculiar circumstances of the case.

2. Copies of the Government memo cited above and the petition dated 26-6-50 from Sri T.K. Srinivasa are forwarded to the Collector of South Kanara. He is requested to stay further proceedings in the matter until the Government finally dispose of the matter.

for SECRETARY.

To

The Secretary to Government, Revenue Department (whole).
The Collector of South Kanara (para 1 only) with co ies of Government Memo and petition.

PLG/29/8.

No.67019 M/49.

Read:-

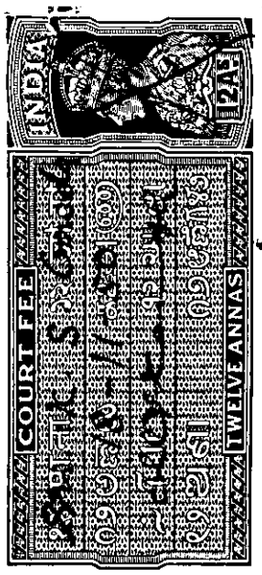
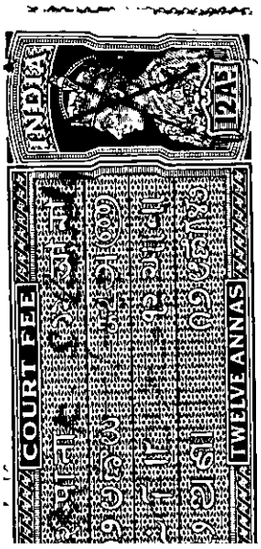
From Sri T.K. Srinivasa petition dated 10.11.49.
-do- nil
From the Bd. of Rev. L.Dis.A.7044/49 d/18.5.50.
From Sri T.K. Srinivasa petition dated 6.5.50.
Govt. Memo. No.67019 M/49-3, Rev. dated 24.6.50.
From the Bd. of Rev. L.Dis.A.3129/50 dated 29.8.50.

***

G.O.Ms.No. 2625 dated 29.9.1950

In the special circumstances of the petitioner's case the Govt. agree with the Bd. of Rev. that he need not be deemed to have forfeited his right to the office of the karnam of Kolnad village, Puttur taluk, South Kanara district, for reason of his failure to qualify himself before he completed 21 years of age. As the petitioner has since qualified himself, the Govt. direct that he be allowed to join duty as karnam of the village

the Bd. of Rev. (L.R.)
~~with records as per list on p.8 c.f.~~
Sri T.K. Srinivasa,
nchi village (P.O.)
ngalore tk. South
nara (para 2 only)
th p.5 c.f. in orgl.

17

M/III BEFORE THE SECRETARY TO THE GOVERNMENT
REVENUE DEPARTMENT, MADRAS

79752 M

K. Somappa Gowda, son of Thimmappa Gowda, Deputy Shanbhogue of Kolnad Taraf, Puttur Taluk, South Kanara District, Post Vittal. ... Petitioner.

Most Respectfully Sheweth,

That the Petitioner begs humbly to represent the following circumstances of his case for the kind consideration and favourable orders of the benign Government.

2. That the Petitioner submits that he has been working as Shanbhogue of Kolnad Taraf since September 1944 in the vacancy caused by the dismissal of the permanent Shanbhogue T.K.Chandappa.

3. That the Petitioner submits that his first appointment which was made by the Tahsildar in his order F.Dis. 7819/44-A5, dated 21-8-44 for immediately taking charge of the post from the dismissed Shanbhogue's brother to whom the dismissed Shanbhogue unauthorisedly handed over charge before absconding, was subsequently approved by the R.D.O., Puttur Division sc that he has still been continuing to be in charge of the post.

4. That the permanent vacancy in question was caused on account of the dismissal of the last office holder - T.K.Chandappa who was dismissed under orders of the Collector D.Dis. 5867/45 dated 11-6-1945 on account of his conviction and sentence of R.I. for 3 months in C.C.No.81/45 on the file of the Additional 1st Class Magistrate, Mangalore, under Section 409 I.P.C. for misappropriation of Government L.R. dues collected by him and in the ordinary course the said Chandappa's family members should have been debarred from holding the post during his life time as the

offence involved moral turpitude; but strange to say, the R.D.O., while permanently filling up the vacancy subsequently conferred the post on the dismissed Shanbhogue Chandappa's nephew minor Umesha and appointed the Petitioner as the Minor's Deputy, in his Proceedings R.Dis. 4834/48, dated 14-6-1948.

5. That there was an appeal before the Collector against this order of the R.D.O., filed by T.K.Srinivasa, another Nephew of the said Chandappa in the junior line on the ground of his seniority of age and the Collector allowed this appeal in his Proceedings R.Dis.20650/48 dated 24-12-48 and directed that the Appellant T.K.Srinivasa who was a minor at the time of occurrence of the vacancy and who attained majority at the time of appointment should qualify himself and join the post by March 1949 when he completes his 21st year.

6. That the said T.K.Srinivasa having failed to qualify himself and join the post by March 1949, as ordered in the appeal order of the Collector, forfeited his appointment and when the proceedings were started for filling up the post permanently, the said T.K.Srinivasa filed appeals against this forfeiture of office first to the Collector and then to the Board of Revenue but both these appeals were dismissed as the forfeiture was in accordance with the statutory provisions.

7. That the Petitioner now finds from the order received by the said T.K.Srinivasa from Government G.O. No.2625 Rev., dated 25-9-1950 that the Government have directed the Collector to permit the said T.K.Srinivasa to join the Shanbhogue's post on the ground that he has since passed the tests and thus the Petitioner stands the

chance of being ousted soon as a result of this Government order.

8. That the Petitioner submits with due deference that the Government order in question which appears to have been passed in the special circumstances of the case is clearly against the statutory provision in Act III of 1895 as amended by Act VII of 1930 as Section 10 (5) of the latter Act VII of 1930 clearly runs "If the person registered as heir under this sub-section remains disqualified under sub-section (1) for 3 years after attaining majority, he shall be deemed to have forfeited the right to office."

9. That the Petitioner submits that in this District the hereditory principle though not prevalent has been pressed into service all along as would be clear from the thousand and one orders passed not only by the Appointing and Appellate-authorities of the District but also by the Board of Revenue as would be clear from Boards Proceedings L.Dis. No. A 2579/47, dated 11-10-47 in the matter of the appointment of Potail of Bantwal Village, Mangalore Taluk of this District.

10. That the Petitioner suspects that the benign Government had not before them the antecedents of the said dismissed Shanbhogue Chandappa when the said Government order was passed as otherwise there was no ground to treat this case as a special one when as a matter of fact it is like many other cases where the family members of the dismissed incumbents were debarred from holding the post during their life time and that too by an order which is against the statutory provisions ~~of~~ still remaining in force without any amendment.

11. That the Petitioner therefore prays that the benign Government may be graciously pleased to call for all the relevant records and to cancel the said G.O.2625 dated 25-9-1950.

.2. That the Petitioner further prays that pending :inal orders on this Petitioner, the G.O. already passed ıay kindly be stayed so that the Petitioner may not be. listurbed from his Deputy's post.

For which act of kindness and justice the Petit-.oner will ever pray.

K. Sowappa Gowda.

:olnad,)
)
)ated 18-11-1950.) Petitioner.

:opy submitted to the R.D.O., Puttur and the Collector of South Kanara. for favour of information and necessary action.

Revenue Department.

Endorsement. 79752M/50.

Returned.

2) The petition should be submitted through The R. D. O., Collector and the Board of Revenue together with copies of the orders already passed by them.

30.11.50.

Assistant Secretary to G

2/12/N

Put up G.O. 2625 dt. 25/5/50 & note pending.

2/12/50

sowappa gowda
. Shankrogue
Kolnad Taluq.
Puttur Taluk
Vittal post
S. Kanara.

To AS

The f.o. is put up at (I) and a note drawn below. (The omission to put up the f.o. even in the first instance was due to oversight & is regretted.)

12/12/50

14/12/50

Revenue Department.

Memo. No. 79752 M/50-1 Rev dated 28.12.50.

Village Officers - (South Kanara) - Puttur Taluk - Kolnad Village - Shanbogue - Appointment - Representation against

From

pp 1-4 c f. Sri K. Somappa Gowd, Petition d 18.11.50.

The Government see no reason to interfere on behalf of the petitioner. The petition is rejected.

14/12/50

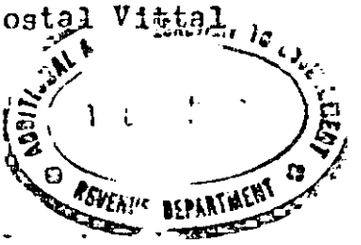
28/12

Somappa Gowda
Shanbogue
Kolnad Taraf
Puttur Taluk.
Vittal P.O
S. Kanara

24

Before the Secretary to Government, 3311/1951.
Revenue Department, Madras.

K. Somappa Gowda, son of Thimmappa Gowda)
Deputy Shanbhogue of Kolnad Taraf, Puttur) Petition
Taluk, South Kanara District, Postal Vittal)



Most respectfully Sheweth,

That the petitioner begs humbly to represent that he had submitted a petition to the benigin Government on 18- 11- 1950 which reached on 20- 11- 1950 praying for the stay of the order in G.O. No. 2625 dated 25- 9- 1950 in which the Collector had been directed to permit T.K.Srinivasa to join the Shanbhogue's post of Kolnad Taraf.

2. That the petitioner has not yet received the stay order and that on the other hand he learns from the said T.K.Srinivasa that he has received the orders of the Board of Revenue to join the post.

3. That the petitioner has no confidence in the information given by the said T.K.Srinivasa. As however it is likely that some definite orders will be issued soon the petitioner hasten to represent the case again. As already represented by him in his petition dated 18-11-1950 the petitioner is inclined to believe that the benign Government were not aware of the fact that the uncle of T.K.Srinivasa, by name Chandappa who was the previous permanent Shanbhogue was convicted and sentenced to imprisonment for misappropriation of land revenue collections made by him and that this case did not, therefore, deserve to be treated as a special one to exempt T.K.Srinivasa from the statutory provision in Section 10 (5)., of Act VII of 1930 amending Act III of 1895.

4. That the petitioner, therefore, prays that the benign Government may be graciously pleased to order the stay of the order in question as already prayed for, if not already one.

For which act of kindness and justice, the petitioner will ever pray

K. Somappa Gowda.

Dated 27- 12- 1950. Petitioner

True copy with a copy of the petition to Government dated 18- 11- 1950 submitted to the Board of Revenue, Land Revenue, Madras, for favour of information and for derrring the orders till the final decision of his petition dated 18-11-50 by the Government.

True copy submitted to the Collector of South Kanara, for favour of information in continuation of the copy of the petition to Government dated 18- 11- 1950 already submitted. p 1-4 of 6

K. Somappa Gowda.

Dated 27- 12- 1950. Petitioner.

26

Before the Secretary to Government,

Revenue Department, M a d r a s.

3316M/1157. 1957

Copy application of K. Somappa Gowda, son of Thimmappa Gowda, Deputy Shanbhogue of Kolnad Taraf, Puttur Taluk, South Kanara District, Post Vittal.

Petitioner begs to request that he may kindly be presented as early as convenient a certified copy of G.O. (C.F of (J) No. 2625 Rev. Department dated 25- 9- 1950 relating to the Shanbhogueship of Kolnad Taraf as the same is required by the petitioner for reference and further action.

Two copy stamps are enclosed for the purpose.

K. Somappa Gowda.

Dated 27-12-1950. Petitioner

Memo. No. 3317M/51-1 Rev 4/ 2.51

Village officers - (S. Kanara) - Puttur T/K - Kolnad village - ~~Head~~ Shanbogue - appointment - C.O. No 2625 Rev. D. 29.9.50 - Stay - Certified copy - Request.

Ref From Sri. Somappa Gowda, petitioner d. 27.12.50.

With reference to his request for stay of execution of the orders in C.O No. 2625 Rev D. 29.9.50, the petitioner's attention is invited to the Memo No. 79752M/50-1 Rev. D. 28.12.50, in which his petition dated 18.11.50. has already been rejected.

2/ The petitioner's request for a certified copy of the C.O. will not be complied with. The two three-anna copy stamped papers, hereunto furnished by him are returned.

Sri
Somappa Gowda.
Kolnad village.
Puttur Taluk.
S. Kanara.
Social villa (citizen).

673/51-1.

Dis. No. Nil.

Governor's Secretariat
Government House,
Guindy,
Dated: 26-2-51

ADDITIONAL ASST. SECRETARY
2 - MAR 1951

ansforred to the Secretary to Govt. Revenue Dept.
posal. The communication has not been acknowledged.

(By order of H.E. the Governor)

For *Secretary to H.E. the Governor*

BEFORE HIS EXCELLENCY THE GOVERNOR OF MADRAS.
****

K. SOMAPPA GOWDA
son of Thimmappa Gowda,
Ex-Deputy Shanbhogue
of Kolnad Taraf, Puttur Taluk,
South Kanara District,
P o s t VITTAL, S. K.

MAY It Please Your Excellency:

That the memorialist begs humbly to represent the following facts of his hard case with the sanguine hope that your Excellency will be good enough to redress the grievance.

That the memorialist submits that the case is a very simple one inasmuch as it relates to the appointment finally ordered by the Government in cancellation of the orders of three Lower Courts vide the Revenue Divisional Officer, Puttur, S.K., the Collector of South Kanara and the Board of Revenue, Madras; all the three of these passing orders in accordance with the Statutory provisions and the rules framed under the Statute while the Government passing orders against the said provisions and rules.

That the memorialist submits that this Distri though a non-hereditary area, is actually in pract treated as hereditary tract from time immemorial a the Statutory provisions of Act III of 1895 and Ru thereunder as well as the rules laid down by the Board of Revenue in the B.S.O. are all being appli here while making appointments of Village Officers

That on account of this age-long practice, th memorialist submits, that the case of Shanbhogueship

of Kolnad Taraf was dealt with under the Statutory provisions in Act III of 1895 as modified by Act VII of 1930, first by the Revenue Divisional Officer, Puttur, S.K. in his proceedings R.Dis.No.4834/48 dated 14-6-1948 in which the Revenue Divisional Officer appointed the memorialist as Deputy Shanbhogue; secondly, by the Collector of South Kanara District in his Appeal Proceedings D.Dis.No.20650/48 dated 12-12-1948 in which the Collector distinctly ordered that the appellant Srinivasa should qualify within 21st year on pain of forfeiture of office; and thirdly, by the Board of Revenue which summarily dismissed the appeal of Srinivasa by strictly applying the Amendment Section 10(5) of Act III of 1930 which clearly runs:

> "If the person registered as heir under this sub-section remains disqualified under sub-section (1) for three years after attaining majority he shall be deemed to have forfeited the post."

That the memorialist submits that as stated above the hereditary principle has all along been followed in this District and forfeiture of office of minors for failure to qualify themselves within the statutory period of 3 years after attaining majority took place in many cases as a matter of course under the above Amendment so that the final orders of the Board of Revenue were undoubtedly in accordance with the statutory provisions as well as the age-long practice.

That when matters stood thus and when the memorialist was continuing as Deputy Shanbhogue as appointed by the Revenue Divisional Officer in his proceedings R.Dis.No.4834/48 dated 14-6-1948, he was informed by

the said Srinivasa that the Government have ordered his appointment by exempting him from the age limit in G.O.No.2625, Revenue, 29-9-1950 and that therefore he is awaiting the Collector's Order for joining the post.

That the memorialist submits that he could not at first believe that such an order which was opposed to the Statutory provisions of the Amended Act VII of 1930 was passed by Government, but when he actually saw the copy with Srinivasa, he hastened to file a petition before the Government bringing to notice the illegality as well as the fact that the uncle of Srinivasa was dismissed from the said post for misappropriating Government dues collected by him and strange to-say the Government have rejected this petition in /Memorandum No.79752-M/50-1 dated 28-12-1950 and have also rejected his application for grant of copy of the said G.O.2625/Revenue/dated 29-9-50 in Memoraundum No.3317-M/51-1 dated 3-2-51.

That the memorialist is therefore obliged to file this memorial before Your Excellency as the memorialist on account of the Government Order passed against the Statutory provisions referred to above has been greatly aggrieved thereby as the memorialist who would have otherwise continued in the post has been ousted by the said Srinivasa on 5-2-51.

That the memorialist submits that the fact:

(1) that the said Srinivas's uncle Chandappa who was the last office-holder was dismissed for mis-appropriation of a large amount of Government L.R. dues of Rs.778-14-0, by the

Collector in his Proceedings D.DisNo.5867/45 dated 11-6-1945;

(2) that he was convicted and sentenced to three months R.I. under Section 409 I.P.C. which was also confirmed in appeal; and

(3) that he was also prosecuted for forgery as he forged the signature of a party in a "Darkhast" case is well known to all.

And the memorialist leaves it to Your Excellency to decide whether the said Srinivasa who is the nephew of the said Chandappa deserves to be given such a special treatment by the Government by passing an order which is against the Statutory provisions.

That the memorialist therefore prays that Your Excellency may be graciously pleased to cancel the said irregular, may illegal order so that the status quo ante may be restored.

For which act of JUSTICE, the memorialist will ever pray.

Vittal, S.K.)
23-2-1951.)

K. Somappa Gowda.
Memorialist.

Enclosures for perusal and return.

1. Certified copy of Revenue Divisional Officer's Proceedings No.R.Dis.4834/48 dated 14-6-48.
2. District Collector's Proceedings No.R.Dis.No. 20650/48 dated 24-12-48. (Original.)
3. Government Memorandum No.79752-M/50-1, dated 28-12-50. (Original.)

Revenue Dept

A.Sec 21/3/57

Memo. No. 15922-M/57-1 dt 21-3-'57

Village Officers – (S. Kanara) – Puttur Tk – Kolnad vge – Shanbogue – Appointment – Orders on Govt. No. 2625 Rev. dt 29.9.50 – Representation against Govt. Memo No. 79752-M/50-1 Rev. dt 28.12.50. from Sri K. Somappa Gowda, Ex-Dy. Shanbog Kolnad, Petition dt 23.2.57.

The petitioner is informed that the Govt. are not prepared to reconsider the orders already passed in G.O. No. 2625 Rev. dt 29-9-50 and Memo No. 79752-M/50-1 Rev. dt 28-12-50. The petition is rejected. Further representations in this matter will remain unnoticed.

20.3.57

Somappa Gowda, Ex-Dy Shanbogue of Kolnad vge Puttur Tk. S. Kanara Dist. (Petitioner)

19/3/57 Note

Attention is invited to the note and orders on pp 9-10 NB

20.3.57

Rev. Depn.

Village Officers (Sankt Kanara) Puttur taluk - Kolnad Village - Shanbogue. Appointment -

Dran Sri T.K. Srinivasa, Kanchi Village, petition dy 10.11.49.

by AS

Please see the petition in the cf.

2. It appears that the petitioner was registered as heir to the office of Shanbogue, Kolnad village and that the R.D. declared him to have forfeited his right to the office as he did not qualify himself with in three years after his attaining majority. The petitioner's contention is that he was registered as a minor only before 3 months before he completed 21 years of age and that then he was given only 3 months to qualify himself. He says that he has appeared for the taranani's special test in Oct. 49 and hopes to get through. His request is that he may be granted one year's extension of time upto March 1950 to pass the test. His appeals to the Collr. and the B.D. have been rejected and he has therefore come up to the Govt.

3. The village offices in Sankt Kanara are non-hereditary. The hereditary principle are however followed in making appointments and registering minors as the Govt. Govt. in as much as the offices are not governed by any statute, there is no legal bar to Govt. interfering. In the present case, it is not clear how the petitioner was registered as minor when he was a major and had only 3 months to complete 21 years of age. If what the petitioner says is the fact his registration as a minor is irregular and the petitioner was the next heir to the last office holder and was a major at the time of occurrence of the vacancy, the

question for consideration was whether he was qualified and fit for the ~~post~~ appointment and if he was not the next question should have been appointed. As the facts of the case are not clear a report may ~~not~~ be called for. If so, the draft ~~of~~ an U.O. is for approval.

11.4.49 26/4/49 1/5/49

(Issued as endt. no 67019M/49-1 dt 1.12.49) p4cf
From Sri T. K. Srinivasan, Pali dt 10.11.49 pp2-7cf

J.A.S.

Please see the notes on pp 1-2 above, endt. to the Board of Rev on p4 ante and a petn. since received from Sri T. K. Srinivasa pp 6-7cf.

2 The petr. represents that he has since qualified himself fully to hold the post of Karnam The petn. appeal now received from him may be sent to the Board in continuation of the endt. p4cf subject to orders, a draft endt. is submitted for approval

18/2/50 18/2/50

From as Govt. Endt. no. 67019M/49-2, Rev. dated 18.2.50. p.7cf
From the Bd. of Rev. L. Dis. A.7044/49, dated 18.5.50. pp. 8-9c
From Sri T. K. Srinivasa, petition dated 6.5.'50. pp. 10-

J.A.S.

Please see the notes on pp. 1-2 above, the Bd.'s report at pp. 8-9 cf. and Sri T. K. Srinivasa's further petition on pp. 10-12 cf. A brief history of the petitioner's case is given in para 2 of the Bd.'s report on ~~the~~ pp. 8-9 cf.

2. In his proceedings R. Dis. No. 20650/48 dated 24.12.48, the Collector considers that as the petitioner (Sri T.K. Sivarama) was below 18 years of age on the date on which the vacancy arose, he was entitled to succeed to the office in question. He accordingly granted time till March 1949 for the petr. to qualify himself fully. But the petr. was actually more than 20 years at the time of the Collector's order & had only about 3 months left within which to qualify himself fully. The petitioner has however actually succeeded by December 1949 in completing the necessary tests & qualifying himself by ~~December 1949~~ & the Collector has stated that the petitioner's statement that he has passed all the tests is correct. In the circumstances the petitioner's case seems to be rather a hard one. While, no doubt, the principles laid down in Act III of 1895 regarding hereditary offices are followed in making appointments etc. in the South Kanara district, the provisions of that Act as such are not in force in that district. In these circumstances it is for orders whether the Govt. will consider any interference on behalf of the petitioner called for. If no interference is considered necessary, the Bd's views in paras 5 and 9 cf. may be accepted & the petition rejected. For orders.

29.5.50

The petr's case is a hard one. When the Coll. recommended him ~~for~~ to the office, ~~he~~ with the direction that he should pass the tests before he completes 21 yrs

of age, he had only three months to pass the tests. Office will please note whether there was any test between the date of the collr's order (the actual date of receipt of the order by the petr should be taken into account) & March 48 when the petr completed his 21 yrs

1/6/50

To AS RD

Please see the orders of A.S. at pp 3-4 above.

2. Village officers Special tests are usually held once a year at such time as may be notified by the Collector in the District Gazette - vide appendices Part I Appendix V Article V of 'Village officers and Ryots Manual'. In the South Kanara dt, it is customary to hold the test in october every year.

3. The petitioner had passed the tests in village accounts and Survey in 1947 itself: He appeared for the remaining part viz Powers and duties of village officers in october 1948. The results of the test were announced in Jan 1949 and the petitioner did not pass.

4. The next test was held in october 1949 and the petitioner passed in it.

5. It will thus be seen that there was no test between the date of the Collector's Order viz 24-12-48 and the end of March 1949 upto which he was given time to pass the tests. But he had already appeared for the test held in oct '48.

and that the collector apparently considered that ~~the~~ three chances ~~one chance~~ for passing the test was sufficient.

10/6/50

The petr was registered as the office of the Karnam in Dec 1948 when he was 20 years 8 months with a direction that he should pass the test before March 1949 when he completed 21 years of age. The office note on p 4 above would show that no test was held between Dec. 1948 and March 1949 at which he could have sat ~~for the test~~ & pass the test. He actually passed the test held in Oct 1949 and thus qualified himself for the post.

In view of the fact that no test was held between the date of Collr's order rejecting the petr's representation (with direction to pass the test) & the date on which he completed his 21 years of age & as the petr passed the test in the next examination, it is ~~had~~ that the petn ~~is~~ should be declared to have forfeited the office. The Court may therefore interfere in this case & restore him to the office of the Karnam.

15/6/50

As the Board proceedings are final

TO AS

Rev Deptt

A draft memo is submitted for approval.

24/6/50

22

14/6/50

[Issued as memo no 67019 H/49-3 Rev d 24.6.50 from Sri T.K. Shrinivasa petition d 26.6.50]

OAS RD

Please see the further petition from T.K. Shrinivasa at p16 cf.

2. The previous petitions refer thereby have been referred to the Bd on 5 remarks with ref to the Govt orders at p 14-15 cf and awaited. The petitioner now requests that stay orders may be issued as the local authorities are taking steps to appoint another man to the post of Shanbhog of Kolnad village. Stay orders are not usually given. The petitioner may be informed that the matter is under the consideration of the Govt.

3 Subject to orders a draft memo submitted for approval.

2. The Bd's reply to the memo at pp 14-15 cf has not been received. The petitioner has requested that the Collr may be asked to stay further proceedings in matter of filling up the post. A copy of the petition may be sent to Bd for such action as it may consider necessary. Draft such a memo p 16 cf.

12/7/50

From the Board of Revenue L.Dis.A.3/29/50 d/29-8-50

To A.S.

The file relates to the petition from Sri T.K. Srinivasayya, for appointment as Shanbogue (Karnam) of Kolnad village, Puttur Taluk, South Kanara Dt. In that district the Madras Hereditary Village Offices Act (Act III of 1895) is not in force. But by custom

the method and principles relating to the appointmen of village officers, as provided in Act III of 1895, are usually followed. Thus, the practice of registering a minor as heir to ~~the~~ a village office, prevailing in hereditary areas, ~~is~~ ~~obtained~~ also in S. Kanara. In the present case, the vacancy aros on 26-4-1945 when the L.O.H. was dismissed from service. In the vacancy, the R.D.O. registered one Umesh as minor heir to the office and appointed one Somappa Goud as his Deputy. In appeal by the present petitioner, Sri Srinivasa, the Collector however held that the present petitioner was the heir to succeed the L.O.H., according to Aliyasanthan Law of succession. At the time when the Collector had the appeal before him i.e. in December 1948, the present petitioner had completed 18 years of age. As, however, he was a minor at the time of the vacan the Collr. considered that Sri Srinivasa was entitl to be registered as minor heir. Accordingly, in an order d/24-12-48, the Collr. directed the registr of the petitioner as minor heir. With reference to provision in section 10 (5) of Act III of 1895, the Collr. however warned the petitioner that he would forfeit his rights to the office if he failed to qualify himself before he completed 21 years of age, before March 1949. The Collr. allowed the Deputy already appointed to continue, as the newly registere heir would attain majority within a few months.

2. Sri Srinivasa, the petitioner, had already undergone survey training and had also passed one part of the Karnams Special Test. To pass the remaining part of the special test the Collr.'s order allowed only about three months from 24-12-48 till March 1949. For this examination the petitioner appeared and successfuly completed the special test for Karnams. As, however, he did not qualify himself

before the stipulated period, i.e. before he completed 21 years of age, he should ordinarily be deemed to have forfeited his rights to the office and someone else should be appointed to the post. The petitioner's request is that in the special circumstances of his cas he may be allowed to join duty as Karnam by the village.

3 This Department was inclined to the view that the petitioner's case was a hard one in the circumstances indicated at A/ above. Further, as already pointed out, Act III of 1895, the principles of which have been strictly applied in this case, is really not in force in South Kanara. There is therefore no legal objection to relax the usual rule in this case. The Board agrees that the petitioner's case is a hard one - see p.17 c.f. In this view, it has also asked the Collr. to stay further proceedings in the matter until the Govt. pass orders on the petition. It is therefore for orders whether the petitioner may be deemed not to have forfeited his rights to the office by reason of his failure to qualify himself before completing 21 years of age and he be allowed to enter upon his duties now, as he has since qualified himself.

Subject to orders, a draft order is submitted for approval.

May be approved, in the special cirs reported at A on p 7 n.f.

Note from the bottom of p 2 above may be read. The draft below is for approval.

LR.

(C.No. 79752 4/50)

Village Officers - (South Kanara) - Puthur taluk-Kolnad village - Shanbogue - Appointment of Sri T.K. Srinivasa - Representation against.

pp 1-4 c.f

From Sri K. Somappa Gowd, Petition d. 18.11.50.

To A.S.

Please see the petition in the c.f. The following is the previous history of the case.

The last holder of the office of Shanbogue of Kolnad village Sri T.K.Chandappa, was dismissed from service in 1945. The heir to the office was one Sri T.K. Srinivasa, a nephew of the L.C.H. As however, Sri Srinivasa had become a major at the time of filling the vacancy and was not then fully qualified, the R.D.O. registered as heir one Umesh, another nephew of the L.O.H. The present petitioner, Sri Somappa Gowd was appointed as Deputy to the minor Umesh. In appeal, however, the Collr. reversed the order of the R.D.O. and registered Sri Srinivasa as minor heir, on the ground that he had not attained majority when the vacancy arose. The Collr. also allowed Sri Somappa Gowd to cont as Deputy for Sri Srinivasa also. The Collr. warned Sri Srinivasa that he would forfeit his rights if he failed to qualify himself before completing 21 years of age. This allowed only about 3 months to Sri Srinivasa to pass one Part of the Karnam's Test which he had not already passed. Moreover, during that period there was no examination for which he could appear. Sri Srinivasa appeared for the test next held and passed it. In view of this and in view of the fact Act III of 1895, with reference to which the Collr. required ~~heir~~ him to qualify himself before completing 21 years of age, did not really apply to village offices in S.Kanara, the Govt. on a petition submitted by Sri Srinivasa, allowed him to enter upon his duties as Shanbogue of the village - see G.O.No.2625 Rev. d/29-9-50. This has resulted in the ousting of the present

petitioner, Sri Somarpa Gowd. And, He has now come up to the Govt. contending that Sri Srinivasa should not have been registered as heir or later appointed to the post.

2. With reference to paras 4 and 10 of the petition it is submitted that it was not specifically brought to the notice of Govt. that Sri Chandappa, the L.O.H. had been dismissed on account of his conviction for criminal misappropriation. But, there is nothing in section 10(4) of Act III of 1895 to show that an R.D.O. while dismssing a village officer on such grounds should invariably issue a direction that undivided members of the family of the dismissed officer should not be appointed to the office during the life time of the dismissed officer. This is a matter left to the discretion of the R.D.O. Further, Act III of 1895 does not actually apply to the office in question. This point answers the connention in para 8 of the petition also. It is true that by custom the principles embodied in Act III of 1895 are followed in South Kanara, though it is a non-statutory area. But, there is nothing to prevent Govt. to relax a local rule which has no statutory sanction, in a hard case like that of Sri Srinivasa.

The petitioner has asked for stay of the orders in G.O.No.2625 Rev. d/29-9-50 pending disposal of his petition. According to the existing instructions stay should not be granted except after getting a report and except with the approval of H.C.M. In the circumstances indicated above, there seems to be no need to get a report. The petition may be rejected.

Subject to orders, a draft memo is submitted for approval.

Rev. Dept.

Village officers - (South Kanara) - Puttur TK - Kolnad village - Shanbogue - Appointment - Representation against.

From Sri K. Somappa Gowda, petitioner dt. 27.12.50.

G.O. No. 2625 Rev dt. 29.9.50 allowed Sri K. Srinivasa who was in G.O. No. 2625 P dt. 29.9.50 allowed to join duty as Karnam of Kolnad village, puttur TK; South Kanara dist. In November '50, he submitted a petition to Govt. asking for cancellation of the orders in that G.O. and stay of execution of those orders pending disposal of his petition. That petition is on pp 1-4 C.F. of Memo No. 7975 24/50-1 Rev. dt. 8.12.50 which is at flag (1). The petition was examined in the note on pp 1-2 C.F. of (1). It was finally rejected - pl. see Memo on p 5 C.F. of (1). The petition on pp 1-2 C.F. is in continuation of the one already rejected. ~~Apparently~~ the petitioner could not have received the Memo on p 5 C.F. of (1), when he submitted the present petition. He would have received a copy of the Memo by now. His attention may merely be invited to that Memo.

2/ In his application on p 3 C.F., Sri Somappa Gowda has asked for a copy of G.O. No 2625 Rev dt. 29.9.50. He wants a copy for reference and further action. Even to Sri Srinivasa, para 2 of the G.O. alone was communicated. Therefore it seems that copy of para 2 of the G.O. alone can be furnished to the applicant also. A copy of this para alone will be sent to him.

view of the fact that the petition already submitted by him has been rejected, it is for orders whether the certified copy of the C may be refused.

Subject to orders, a draft Memo. is submitted for approval.

1.51. 28/1/57

16/2/51